

part of the title. It includes plans to establish benchmarks and best measurement techniques, and includes funding for demonstration projects for monitoring carbon sequestration. This will allow farmers and others to better understand how to store dangerous greenhouse gases, perhaps earning extra income to provide this public benefit.

TITLE X—COMPETITION

The Competition Title amends the Agricultural Fair Practices Act of 1967, the Packers and Stockyards Act of 1921, and the Agricultural Marketing Act of 1946.

The Competition Title includes a subtitle that makes a number of amendments to the Agricultural Fair Practices Act (AFPA) to address unfair and deceptive practices in agricultural commerce. The subtitle establishes the Office of Special Counsel for Competition Matters within the USDA to investigate, prosecute, and promulgate regulations under the AFPA and any other Act the Secretary deems appropriate. The subtitle requires covered persons with annual sales of over \$100,000,000 to annually file with the Secretary a report that describes strategic alliances, ownership, joint ventures, subsidiaries, brand names, and interlocking boards of directors in other covered persons. The subtitle defines "covered persons" to include a dealer, handler, contractor, processor, or commission merchant of agricultural commodities with sales of over \$10,000,000 per year. The subtitle prohibits unfair and deceptive practices on the part of covered persons in the marketing, purchasing, and contracting of agricultural commodities. The subtitle prohibits covered persons from engaging in specific practices in bargaining with producers and producer associations, such as restraining, coercing, retaliating against, or refusing to deal with any producer who exercises his or her right to join and participate in a producer association. The subtitle provides minimum standards in agricultural contracting, including: a requirement to act in good faith in the performance and enforcement of agricultural contracts, and a requirement to include a cover sheet that discloses provisions of the contract including, among other things, duration, factors in payment, renewal and renegotiation standards, and responsibility for environmental liability. The subtitle provides requirements specific to production contracting, including: the right to cancel a production contract within three business days after the date at which the production contract is executed; allowing contract producers to file production contract liens and to receive a security interest in the agricultural commodity or other property of the covered person as allowed in the applicable State law provisions based on Article 9 of the Uniform Commercial Code; requiring the contract producer who made at least a \$100,000 investment because of the production contract receive at least 90 days for the contract producer to cure an alleged breach before the covered person terminates the contract, and prohibiting a contractor from requiring additional investments during the term of the contract unless the additional investments are offset by additional consideration and the contract producer agrees in writing that there is an acceptable and satisfactory consideration. The subtitle provides that any aggrieved person may seek injunctions for acts or practices prohibited by the Act; allows any person injured in the business or property of the person by reason of any violation of this Act may sue for a violation to recover damages and recover an additional penalty of up to \$1000 per violation.

The court allows the court to provide reasonable attorney's fees to the prevailing party, and sets the statute of limitation at two years. The subtitle provides that when the Secretary has reasonable cause to believe that any covered person has engaged in any act or practice that violates the Act, she may bring a civil action in the U.S. district court to request preventative relief. The subtitle provides that a producer of an agricultural product or service may execute, as a clause in an agricultural contract, an assignment of dues or fees to an association of producers authorized by contract and requires the covered person to deduct the portion from the contract and make a payment to the producer association on behalf of the producer.

The Title amends the Packers and Stockyards Act to provide the Secretary with jurisdiction over live poultry dealers who deal in all types of poultry, not just poultry for slaughter and provide the Secretary the authority to bring administrative actions against live poultry dealers. The title also allows the Secretary to seek outside counsel in the enforcement of the Packers and Stockyards Act.

The Title includes a subtitle to amend the Agricultural Marketing Act of 1946 to require that retailers notify consumers at the final point of sale of the country of origin for beef, pork, lamb, ground beef, ground pork, ground lamb, perishable agricultural commodities, and whole farm-raised fish. The subtitle provides that the Secretary may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable record-keeping audit trail that will permit the Secretary to ensure compliance with regulations promulgated by the Secretary. The subtitle provides that section 253 of the Agricultural Marketing Act of 1946 shall be the enforcement provision of the subtitle.

The Title also requires the Secretary to conduct a referendum among persons covered by an order in effect under a commodity promotion law to determine whether the persons favor the termination of the order at least once every five years. The referenda would be conducted in accord with the terms and conditions of the applicable order and commodity promotion law consistent with this section. The title allows eligible persons to vote in a referendum by mail ballot or by such other method, instead of in-person voting, prescribed by the Secretary as will reduce the burden on voters and ensure the integrity of the referendum.

The Title also amends the Perishable Agricultural Commodities Act to allow the Secretary to initiate investigations of alleged violations of PACA.

By Mr. DASCHLE:

S.J. Res. 28. A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

S.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that the conditions specified in section 254(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States

Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 529, the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

SOCIAL SECURITY ADMINISTRATION

Jo Anne Barnhart, of Delaware, to be Commissioner of Social Security for the term expiring January 19, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, NOVEMBER 5, 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate stand adjourned until 3 p.m. on Monday, November 5; that on Monday immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for use later in the day; that the Senate then proceed to a period for morning business until 5:45 p.m., with the time equally divided and controlled between the two leaders or their designee; that at 5:45 p.m. the Senate proceed to executive session to consider Calendar No. 515, Larry Hicks, to be a United States district judge; that there be 15 minutes for debate on the nomination with the time equally divided and controlled between the chairman and ranking member or their designees; that at 6 p.m., without intervening action or further debate, the Senate vote on confirmation of the nomination; that following the vote, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.